

REMARKS

Applicants are in receipt of a non-final Office Action with regard to the matter captioned above. This paper is submitted in response to that Office Action.

Claims 23-26 and 28 were pending in the application at the time the Office Action was issued. All of those claims were subject to rejection.

The examiner rejected Claims 28 and 23-26 under 35 U.S.C. § 102(b). It was the examiner's position that those five claims were fully anticipated by the teachings of United States Patent No. 1,575,263 (Guglielmi).

A second rejection of all the claims was made under § 102(b) also. Those claims were also rejected under § 102(b) but as being fully anticipated by the teachings of United States Patent No. 5,172,440 (Ming).

In response to the Office Action and the positions of the examiner documented therein, Applicants hereby amend their application. By this paper, Claim 28 is hereby amended. The step of defining the character feature is amended such that the character feature is "unobtrusive". In accordance with the usage of the term in Claim 28, it means "not appreciably detracting from the flexible and substantially fully planar nature of the item upon which the character feature is defined".

The step of defining the character feature has also been amended to provide that the feature has "no significant context of a complete character effigy when said item is in a planar configuration". Finally, Claim 28 has been amended such that the manipulating step "gives context to a complete character effigy by simulating the body of the character effigy with the character feature positioned appropriately with respect, to the body formed by

the item to simulate the character's head". It is submitted that none of the prior art of record, applied or not applied, either anticipates or renders obvious the method of Claim 28, as amended. Reconsideration is, therefore, requested.

The Guglielmi reference teaches the definition of character features only to the extent that they are continually within the context of a three-dimensional doll. The reference teaches a body (of a blanket) formed of woven or knit material and adapted to be folded over onto itself to form panels or sections. Such folding, however, does nothing to complete the character effigy. The Guglielmi reference teaches nothing more, at least with regard to materiality to the present invention, than a doll and a blanket. There is no interaction between the two to thereby define a character effigy.

The examiner has cited the Ming patent as fully anticipatory of Claim 28 also. Applicants respectfully disagree. The examiner has taken particular note of FIGS. 8 and 9 and Col. 2, lines 42-57 of the text. That text defines the embodiment of FIG. 8 of a quilt bag. The bag is integrally formed with a sleeping bag having animal features defined thereon, the quilt bag comprising the head of an animal. The sleeping bag can be rolled or folded into the bag defined by the head to thereby give a third dimension to the head.

Applicants would submit that the Ming reference teaches away from the method defined by amended Claim 28. The overall character effigy created by the Ming structure exists only when the quilt is in its generally planar configuration. It is in this configuration in which the quilt defines the body of the character effigy and context is given to the overall character.

In the case of the present invention as claimed, however, the

character feature has no significant context of a complete character effigy when the item is in the planar configuration. It is only when the planar item is manipulated that it gives context to the complete character by simulating the body of the effigy. It is only then that the feature becomes appropriately positioned with respect to the body formed by folding or rolling.

Claims 23-26 are dependent, either directly or indirectly, upon Claim 28. As such, they incorporate therein all of the limitations of Claim 28 and, it is submitted, are patentable on the same basis as is Claim 28.

In view of the amendments made by this paper and the arguments in support of patentability of the claims, as amended, it is sincerely believed that Claim 28 and the dependent claims depending therefrom are in condition for allowance. Allowance of this application and passing of the case for issuance of a patent thereon are, therefore, respectfully solicited.

Please charge any deficiencies or credit any over payment to Deposit Account 14-0620.

Respectfully submitted,

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By their attorney

Date

July 10, 2003

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